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Counsel for the Official Committee Of  
Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,  
USA CAPITAL REALTY ADVISORS, LLC,  
USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,  
USA CAPITAL FIRST TRUST DEED FUND, LLC,  
USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☒ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-  
10725 LBR

**Notice of Hearing; Objection of USACM Trust  
To Maria Pena Claim Filed in Wrong Debtor's  
Case; Objection of FTDF to Proposed  
Allowance of Claim**

Hearing Date: October 15, 2007  
Hearing Time: 9:30 a.m.

**NOTICE OF OBJECTION TO CLAIM**

**THE USACM LIQUIDATING TRUST AND THE OFFICIAL COMMITTEE OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND, LLC ARE OBJECTING TO THE CLAIMS THAT YOU FILED. UNLESS THE RESPONSE DEADLINE IS ADVANCED BY THE COURT, THE DEADLINE TO RESPOND TO THE OBJECTION IS OCTOBER 8, 2007. PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM SHOULD BE DIRECTED TO BMC GROUP AT 888-909-0100, OR [WWW.BMCGROUP.COM/USACMC](http://WWW.BMCGROUP.COM/USACMC), or to the undersigned counsel. Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

**NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and through its counsel, has filed an Objection to your claim filed in USA Commercial Mortgage Company, Case No. 06-10725 on the ground that the claim is a debt of USA Capital First Trust Deed Fund, LLC Case No. 06-10728 ("FTDF"). The Official Committee of Equity Security Holders of FTDF (the "FTDF Committee"), by and through its counsel, further objects to any proposed allowance of your claim against the FTDF estate. A copy of the Objection is provided to you with this notice.

The Objection requests that the Court enter an order disallowing all or part of your claim as to USACM and FTDF. If the Court grants the requested relief, it will not affect your existing equity interest in the FTDF estate to the extent you hold an equity interest in FTDF.

**NOTICE IS FURTHER GIVEN** that, unless the hearing date is advanced by the Court, the hearing on the Objection will be held before the Honorable Linda B. Riegler,

1 United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas Boulevard  
2 South, Courtroom 1, Las Vegas, Nevada, on **OCTOBER 15, 2007** at the hour of  
3 **9:30 a.m.** **THE HEARING WILL BE HELD FOR THE PURPOSE OF STATUS**  
4 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**  
5 **ARGUMENTS WILL BE HEARD ON THAT DATE. HOWEVER, IF THERE IS**  
6 **NO RESPONSE TO THE OBJECTION, THE COURT MAY GRANT THE**  
7 **RELIEF REQUESTED IN THE OBJECTION AND DISALLOW THE CLAIMS**  
8 **FILED AGAINST USACM AND THE FTDF.**

9 **NOTICE IS FURTHER GIVEN** that, unless the response deadline is advanced by  
10 the Court, any response to the Objection must be filed by October 8, 2007 pursuant to  
11 Local Rule 3007(b), which states:

12 If an objection to a claim is opposed, a written response must be filed and  
13 served on the objecting party at least 5 business days before the scheduled  
14 hearing. A response is deemed sufficient if it states that written  
15 documentation in support of the proof of claim has already been provided to  
the objecting party and that the documentation will be provided at any  
evidentiary hearing or trial on the matter.

16 If you object to the relief requested, you *must* file a **WRITTEN** response to  
17 this pleading with the Court. You *must* also serve your written response on  
the person who sent you this notice.

18 If you do not file a written response with the Court, or if you do not serve  
19 your written response on the person who sent you this notice, then:

- 20 • The Court may *refuse to allow you to speak* at the scheduled hearing;  
21 and  
22 • The Court may *rule against you* without formally calling the matter at  
the hearing.

Dated: August 8, 2007.

By: /s/ Eve H. Karasik  
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COUNSEL FOR THE  
OFFICIAL COMMITTEE OF EQUITY  
SECURITY HOLDERS  
OF USA CAPITAL FIRST TRUST DEED  
FUND, LLC

Copy of the foregoing  
Mailed this 8th day of  
August, 2007 to:

Maria Pena  
c/o Donna M. Osborn, Esq.  
Marquis & Aurbach  
10001 Park Run Drive  
Las Vegas, NV 89145

By /s/ Renee L. Creswell